

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

MARIBEL AYALA, NICOLE A. PACHECO,  
DOMENICA L. O'NEILL, MICHAEL  
C. ESTRADA, RICHARD A. GUZMAN,  
MICHAEL K. GUEVARA, CESAR  
CASTILLO, MAUMER KLLAPIJA,  
JASON GONZALEZ, and CRISTIAN  
SALAZAR,

07 Civ. 8186 (CLB)

Plaintiffs,

**AFFIRMATION IN  
SUPPORT OF MOTION  
FOR SUMMARY  
JUDGMENT**

-against-

CITY OF YONKERS, New York,

Defendant.

-----x

JONATHAN LOVETT, an attorney duly admitted to practice before this Court  
hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to the Plaintiffs in this action and represent each of the Plaintiffs in Yonkers City Court where they are charged with violating Yonkers Code Section 100-35 for distributing copies of The Westchester Guardian on public property within the City of Yonkers.
2. Annexed hereto as Exhibit 1 is the complaint.
3. Annexed hereto as Exhibit 2 is the docket sheet in this action, indicating a filing date of September 19, 2007.
4. Annexed hereto as Exhibit 3 are true copies of the criminal informations by reason of which the Plaintiffs have been respectively charged with violating Section

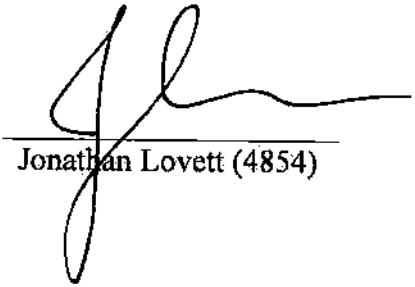
100-35: People v. Ayala, CO-110927; People v. Pacheco, CO-055498; People v. O'Neill, CO-110929; People v. O'Neill, CO-046066; People v. Estrada, CO-046062; People v. Guzman, CO-0460663; People v. Guzman, CO-055497; People v. Guevara, CO-046061; People v. Castillo, CO-110926; People v. Killapija, CO-104273; and People v. Salazar, CO-90605.

5. Annexed hereto as Exhibit 4 is a copy of Section 100-35 of the Yonkers City Code.

6. For the reasons set forth in the accompanying memorandum of law summary judgment should be granted.

WHEREFORE a judgment and order is respectfully requested: declaring Section 100-35 unconstitutional on its face and as applied; permanently enjoining the City of Yonkers from enforcing that Code Section against Plaintiffs; awarding reasonable attorney's, costs and such other relief as to the Court seems just and proper.

Dated: White Plains, N.Y.  
October 5, 2007



Jonathan Lovett (4854)

**EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**ORIGINAL**

MARIBEL AYALA, NICOLE A. PACHECO,  
DOMENICA L. O'NEILL, MICHAEL  
C. ESTRADA, RICHARD A. GUZMAN,  
MICHAEL K. GUEVARA, CESAR  
CASTILLO, MAUMER KLLAPIJA,  
JASON GONZALEZ, and CRISTIAN  
SALAZAR,

Plaintiffs,

**COMPLAINT**

-against-

CITY OF YONKERS, New York,

Defendant.

07 CIV. 8186  
U.S. DISTRICT COURT  
FILED  
101 SEP 19 P 1:53  
S.D. OF N.Y. W.P.

Plaintiffs MARIBEL AYALA, NICOLE A. PACHECO, DOMENICA L. O'NEILL, MICHAEL C. ESTRADA, RICHARD A. GUZMAN, MICHAEL K. GUEVARA, CESAR CASTILLO, MAUMER KLLAPIJA, JASON GONZALEZ and CRISTIAN SALAZAR, by their attorneys Lovett & Gould, LLP, respectfully state:

**NATURE OF THE ACTION**

1. This is an action for declaratory and injunctive relief proximately resulting from Defendant's application to Plaintiffs of a certain provision of the Yonkers' City Code which, on its face and as applied, violates of Plaintiffs' rights as guaranteed by the First Amendment to the United States Constitution, 42 U.S.C. §1983.

## **JURISDICTION**

2. The Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

## **THE PARTIES**

3. Plaintiffs MARIBEL AYALA, NICOLE A. PACHECO, DOMENICA L. O'NEILL, MICHAEL C. ESTRADA, RICHARD A. GUZMAN, MICHAEL K. GUEVARA, CESAR CASTILLO; MAUMER KLLAPIJA, JASON GONZALEZ and CRISTIAN SALAZAR are citizens of the United States, domiciliaries of the State of New York, and residents of the Northern Counties. At all times relevant to this complaint each Plaintiff was employed by The Guardian News, Inc., a New York domestic business corporation having its principal office for the conduct of business at 251 North Avenue, New Rochelle, New York. On a weekly basis the corporation publishes and disseminates a free newspaper known as "The Westchester Guardian" (hereinafter "Guardian"). That publication focuses on and reports about amongst other things municipal corporate corruption in the incumbent administration of the City of Yonkers.

4. Defendant CITY OF YONKERS, New York (hereinafter "City") is a municipal corporate subdivision of the State of New York duly existing by reason of and pursuant to the laws of said State.

### THE FACTS

5. During the months of July and August of 2007 Plaintiffs non-disruptively distributed and/or attempted to distribute on public property in the City various editions of the *Guardian* -- each one of which contained editorials and/or reports critical of either the incumbent Mayor of the City and/or the City's Police Department.

6. As a result numerous police officers employed by the City charged Plaintiffs with violating Section 100-35 of the City's Code which in relevant part provides, without any time, place and/or manner limitations whatsoever:

"No person shall distribute, hand out or cast about any card, circular, pamphlet or printed matter within any park or upon any public place."

### AS AND FOR A CAUSE OF ACTION

7. Repeat and reallege as if fully set forth the allegations of fact contained in paragraphs "1" to "6", inclusive.

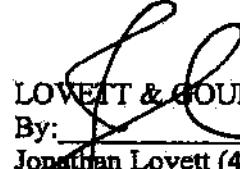
8. Code Section 100-35 on its face and as applied to Plaintiffs violate their rights as guaranteed by the First Amendment to the United States Constitution, 42 U.S.C. §1983.

WHEREFORE a judgment is respectfully requested:

- a. Declaring unconstitutional on its face and as applied the referenced Code section,
- b. Permanently enjoining the City from applying, with respect to Plaintiffs' non-disruptive distribution of the *Guardian* within the City the subject Code section,

- c. Awarding costs and reasonable attorney's fees, and,
- d. Granting such other and further relief as to the Court seems just and proper.

Dated: White Plains, N.Y.  
September 18, 2007

  
LOVETT & COULD, LLP  
By: \_\_\_\_\_  
Jonathan Lovett (4854)  
Attorneys for Plaintiff  
222 Bloomingdale Road  
White Plains, New York 10605  
914-428-8401

**EXHIBIT 2**

ECF, RELATED

**U.S. District Court**  
**United States District Court for the Southern District of New York (White Plains)**  
**CIVIL DOCKET FOR CASE #: 7:07-cv-08186-CLB**

Ayala et al v. City of Yonkers, New York  
Assigned to: Judge Charles L. Brieant  
Related Case: 7:07-cv-02862-CLB  
Cause: 42:1983 Civil Rights Act

Date Filed: 09/19/2007  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Maribel Ayala**

represented by **Jonathan Lovett**  
Lovett & Gould  
222 Bloomingdale Road - Suite 305  
White Plains, NY 10605  
(914) 428-8401  
Fax: (914) 428-8916  
Email: [jlovett@lovett-gould.com](mailto:jlovett@lovett-gould.com)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Nicole E. Pacheco**

represented by **Jonathan Lovett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Dominica L. O'Neill**

represented by **Jonathan Lovett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michael C. Estrada**

represented by **Jonathan Lovett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Richard A. Guzman**

represented by **Jonathan Lovett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michael K. Guevara**

represented by **Jonathan Lovett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Cesar Castillo**

represented by **Jonathan Lovett**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Maumer Klapija**

represented by **Jonathan Lovett**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Jason Gonzalez**

represented by **Jonathan Lovett**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Cristian Salazar**

represented by **Jonathan Lovett**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**City of Yonkers, New York**

Date Filed	#	Docket Text
09/19/2007	1	COMPLAINT against City of Yonkers, New York. (Filing Fee \$ 350.00, Receipt Number 624566) Document filed by Jason Gonzalez, Cristian Salazar, Maribel Ayala, Nicole E. Pacheco, Dominica L. O'Neill, Michael C. Estrada, Richard A. Guzman, Michael K. Guevara, Cesar Castillo, Maumer Klapija.(jma) (Entered: 09/20/2007)
09/19/2007		SUMMONS ISSUED as to City of Yonkers, New York. (jma) (Entered: 09/20/2007)
09/19/2007		Case Designated ECF. (jma) (Entered: 09/20/2007)
09/19/2007		CASE REFERRED TO Judge Charles L. Brieant as possibly Related to 7:07-cv-2862. (jma) (Entered: 09/20/2007)
09/21/2007		CASE ACCEPTED AS RELATED. Create association to 7:07-cv-02862-CLB. Notice of Assignment to follow. (jma) (Entered: 09/24/2007)
09/21/2007	2	NOTICE OF CASE ASSIGNMENT to Judge Charles L. Brieant. Judge Unassigned is no longer assigned to the case. (jma) (Entered: 09/24/2007)
09/21/2007		Magistrate Judge George A. Yanthis is so designated. (jma) (Entered: 09/24/2007)
09/27/2007	3	AFFIDAVIT OF SERVICE. City of Yonkers, New York served on

9/24/2007, answer due 10/15/2007. Service was accepted by Nicole Greco, Clerk. Document filed by Maribel Ayala. (Lovett, Jonathan) (Entered: 09/27/2007)

PACER Service Center			
Transaction Receipt			
10/09/2007 06:39:38			
PACER Login:	lg0085	Client Code:	
Description:	Docket Report	Search Criteria:	7:07-cv-08186-CLB
Billable Pages:	2	Cost:	0.16

**EXHIBIT 3**



CITY OF YONKERS **CO - 110927**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
HITALA MIRIBEL 8/14/78				

Street Address 102 CORNELL ST				
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City State Zip HARRISON N.Y. 10528				
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THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	5/11/07	Time	2:10 AM	PM
Place of Occurrence	610 S BROADWAY			

In Violation of Chapter:	100	Section:	35
of the CITY CODE of YONKERS.			

Description	DISTURBING THE PEACE BY TALKING ON A CELL PHONE			
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OTHER INFORMATION:

**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:

Disturbing the peace by talking on a cell phone  
in public places.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 5/11/07 Print Name: HITALA MIRIBEL

Signature of Complainant: HITALA MIRIBEL

Title: POLICE OFFICER Badge # 602 Dept: Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS  
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 16 day of April 2007 at 1 AM PM



CITY OF YONKERS **CO - 05549**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
Perez, Nestor A 9/14/81				

Street Address 24 Roads Lane				
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City State Zip New Rochelle, NY 10801				
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THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	5/11/07	Time	10:30 AM	PM
Place of Occurrence	104 BROADWAY			

In Violation of Chapter:	100	Section:	35
of the CITY CODE of YONKERS.			

Description	DISTURBING THE PEACE BY TALKING ON A CELL PHONE			
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OTHER INFORMATION:

**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:

Disturbing the peace by talking on a cell phone  
in public places.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 5/11/07 Print Name: Nestor Perez

Signature of Complainant: Nestor Perez

Title: POLICE OFFICER Badge # 602 Dept: Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS  
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 16 day of April 2007 at 1 AM PM



CITY OF YONKERS **CO - 110926**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
<i>CASTILLO</i> <i>JOSEPH</i> <i>JR</i> <i>1971/59</i>				

Street Address				
<i>610 5TH AVENUE</i>				

City	State	Zip
<i>YONKERS</i>	<i>NY</i>	<i>10537</i>

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	<i>7/17/07</i>	Time	<i>1:30</i>	AM
Place of Occurrence	<i>40-3 BROADWAY</i>			

In Violation of Chapter:	<i>100</i>	Section:	<i>3</i>
of the CITY CODE of YONKERS.			

Description	<i>OBSTRUCTING &amp; BIAS</i>		
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OTHER INFORMATION:

**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:

*THE ABOVE AND THE FOLLOWING  
 OUT PRIVATE MATTER  
 IN THE CITY HALL TO  
 THE PUBLIC. ETC.*

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: *7/17/07* Print Name: *JOSEPH CASTILLO*

Signature of Complainant: *JOSEPH CASTILLO*

Title: *Y.P.D.* Badge # *427* Dept. *Y.P.D.*

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance *7/17* day of *July* 2007 at *1:30* AM *PM*

| VIOLATOR'S COPY



CITY OF YONKERS **CO - 104273**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
<i>KILLAPITA</i> <i>MARIA</i> <i>01/30/59</i>				

Street Address				
<i>2 COFFEE PL 2</i>				

City	State	Zip
<i>YONKERS</i>	<i>NY</i>	<i>10536</i>

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	<i>7/17/07</i>	Time	<i>3:30</i>	AM
Place of Occurrence	<i>40-3 BROADWAY</i>			

In Violation of Chapter:	<i>100</i>		
Section: <i>3</i>			
of the CITY CODE of YONKERS.			

Description	<i>OBSTRUCTING &amp; BIAS</i>		
-------------	-------------------------------	--	--

OTHER INFORMATION:

**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:

*THE ABOVE AND THE FOLLOWING  
 OUT PRIVATE MATTER  
 IN THE CITY HALL TO  
 THE PUBLIC. ETC.*

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: *7/17/07* Print Name: *JOSEPH CASTILLO*

Signature of Complainant: *JOSEPH CASTILLO*

Title: *Y.P.D.* Badge # *427* Dept. *Y.P.D.*

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance *7/17* day of *July* 2007 at *1:30* AM *PM*

| VIOLATOR'S COPY



CITY OF YONKERS **CO - 055497**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
Guzman, Richard A 07/18/79				
Street Address				
235 North Avenue				
City	State	Zip		
New Rochelle, NY 10801				

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	07/31/07	Time	1:30	AM
Place of Occurrence	104 South Broadway			PM

In Violation of Chapter: 100 Section: 35  
 of the CITY CODE of YONKERS.

Description: Alleged to be a  
 100-35-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-4410-4411-4412-4413-4414-4415-4416-4417-4418-4419-4420-4421-4422-4423-4424-4425-4426-4427-4428-4429-44210-44211-44212-44213-44214-44215-44216-44217-44218-44219-44220-44221-44222-44223-44224-44225-44226-44227-44228-44229-442210-442211-442212-442213-442214-442215-442216-442217-442218-442219-442220-442221-442222-442223-442224-442225-442226-442227-442228-442229-4422210-4422211-4422212-4422213-4422214-4422215-4422216-4422217-4422218-4422219-4422220-4422221-4422222-4422223-4422224-4422225-4422226-4422227-4422228-4422229-44222210-44222211-44222212-44222213-44222214-44222215-44222216-44222217-44222218-44222219-44222220-44222221-44222222-44222223-44222224-44222225-44222226-44222227-44222228-44222229-442222210-442222211-442222212-442222213-442222214-442222215-442222216-442222217-442222218-442222219-442222220-442222221-442222222-442222223-442222224-442222225-442222226-442222227-442222228-442222229-4422222210-4422222211-4422222212-4422222213-4422222214-4422222215-4422222216-4422222217-4422222218-4422222219-4422222220-4422222221-4422222222-4422222223-4422222224-4422222225-4422222226-4422222227-4422222228-4422222229-44222222210-44222222211-44222222212-44222222213-44222222214-44222222215-44222222216-44222222217-44222222218-44222222219-44222222220-44222222221-44222222222-44222222223-44222222224-44222222225-44222222226-44222222227-44222222228-44222222229-442222222210-442222222211-442222222212-442222222213-442222222214-442222222215-442222222216-442222222217-442222222218-442222222219-442222222220-442222222221-442222222222-442222222223-442222222224-442222222225-442222222226-442222222227-442222222228-442222222229-4422222222210-4422222222211-4422222222212-4422222222213-4422222222214-4422222222215-4422222222216-4422222222217-4422222222218-4422222222219-4422222222220-4422222222221-4422222222222-4422222222223-4422222222224-4422222222225-4422222222226-4422222222227-4422222222228-4422222222229-44222222222210-44222222222211-44222222222212-44222222222213-44222222222214-44222222222215-44222222222216-44222222222217-44222222222218-44222222222219-44222222222220-44222222222221-44222222222222-44222222222223-44222222222224-44222222222225-44222222222226-44222222222227-44222222222228-44222222222229-442222222222210-442222222222211-442222222222212-442222222222213-442222222222214-442222222222215-442222222222216-442222222222217-442222222222218-442222222222219-442222222222220-442222222222221-442222222222222-442222222222223-442222222222224-442222222222225-442222222222226-442222222222227-442222222222228-442222222222229-4422222222222210-4422222222222211-4422222222222212-4422222222222213-4422222222222214-4422222222222215-4422222222222216-4422222222222217-4422222222222218-4422222222222219-4422222222222220-4422222222222221-4422222222222222-4422222222222223-4422222222222224-4422222222222225-4422222222222226-4422222222222227-4422222222222228-4422222222222229-44222222222222210-44222222222222211-44222222222222212-44222222222222213-44222222222222214-44222222222222215-44222222222222216-44222222222222217-44222222222222218-44222222222222219-44222222222222220-44222222222222221-44222222222222222-44222222222222223-44222222222222224-44222222222222225-44222222222222226-44222222222222227-44222222222222228-44222222222222229-442222222222222210-442222222222222211-442222222222222212-442222222222222213-442222222222222214-442222222222222215-442222222222222216-442222222222222217-4422222222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**CITY OF YONKERS**  
**COMPLAINT / INFORMATION**  
**THE PEOPLE OF THE STATE OF NEW YORK**

**CO 046062**

**VS.**

Name	Last	First	MI	DOB
ESTRADA MICHAEL C 4/6/59				

Street Address 16 WALNUT STREET 2				
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City NEW ROCHELLE State NY Zip 10521				
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Relationship to Building				
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In Violation of Section 100-35				
Yonkers City Code	NYS Uniform Fire Code	Other	Description	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BLOWING	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Date of Offense 8/6/07	Time 3:10	AM	PM
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Place of Occurrence 40 5 BROAD	AM	PM
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Other Information:				
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**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:  
 ABOVE PERSON WAS SPOTTED OUT  
 FULL BOTTLED OF BEER AND  
 THE WEST SIDE LINE WAS  
 ON FIRE FRONT OF 40 5  
 BROAD PLACE

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 8/6/07 Print Name 10 BROAD

Signature of Complainant: 10 BROAD

Title: POLICE OFFICER Badge # 137 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY  
 Date of Appearance 21 day of Sept 2007 at 1 AM PM

VIOL ATOMIC COPY



**CITY OF YONKERS**  
**COMPLAINT / INFORMATION**  
**THE PEOPLE OF THE STATE OF NEW YORK**

**CO 046063**

**VS.**

Name	Last	First	MI	DOB
BUZMAN RICHARD A 4/8/74				

Street Address 205 NORTH AVE				
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City NEW ROCHELLE State NY Zip 10521				
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Relationship to Building				
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In Violation of Section 100-35				
Yonkers City Code	NYS Uniform Fire Code	Other	Description	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BLOWING	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Date of Offense 8/6/07	Time 3:40	AM	PM
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Place of Occurrence 40 5 BROAD	AM	PM
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Other Information:				
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**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:  
 ABOVE PERSON WAS SPOTTED OUT  
 FULL BOTTLED OF BEER AND  
 THE WEST SIDE LINE WAS  
 ON FIRE FRONT OF 40 5  
 BROAD PLACE

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 8/6/07 Print Name 10 BROAD

Signature of Complainant: 10 BROAD

Title: POLICE OFFICER Badge # 137 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY  
 Date of Appearance 21 day of Sept 2007 at 1 AM PM

VIOL ATOMIC COPY



CITY OF YONKERS **CO - 110929**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
ONIALL DOMINICK L 6/9/76				

Street Address  
 102 COBBLEBROOK STREET

City **YONKERS** State **NY** Zip **10528**

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense **5/16/07** Time **7:15 AM**  
 Place of Occurrence **10 S BROADWAY**

In Violation of Chapter: **100** Section: **35**

of the CITY CODE of YONKERS.

Description **DISTRIBUTORS**

OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

**100 S BROADWAY 100 S BROADWAY**  
**AND DISTRIBUTORS**  
**DISTRIBUTORS** **100 S BROADWAY**  
**100 S BROADWAY** **100 S BROADWAY**  
**100 S BROADWAY** **100 S BROADWAY**

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: **5/16/07** Print Name: **ED PAUL**

Signature of Complainant: **ED PAUL**

Title: **ED PAUL** Badge # **122** Dept **Y.P.D.**

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance **5/16/07** day of **May** 2007 at **7:15 AM** PM

VIOLEATOR'S COPY



CITY OF YONKERS **CO 046061**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK

Name	Last	First	MI	DOB
ONIALL DOMINICK L 6/9/76				

Street Address  
 102 COBBLEBROOK STREET

City **YONKERS** State **NY** Zip **10528**

Relationship to Building

In Violation of	Yonkers City Code	NYS Uniform Fire Code	Other	Description
Section <b>100-35</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>DISTRIBUTORS</b>

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOW

Date of Offense **5/16/07** Time **7:15 AM**  
 Place of Occurrence **10 S BROADWAY**

Other Information: **CITY HALL**

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

**100 S BROADWAY 100 S BROADWAY**  
**AND DISTRIBUTORS** **100 S BROADWAY**  
**100 S BROADWAY** **100 S BROADWAY**  
**100 S BROADWAY** **100 S BROADWAY**  
**100 S BROADWAY** **100 S BROADWAY**

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: **5/16/07** Print Name: **ED PAUL**

Signature of Complainant: **ED PAUL**

Title: **POLICE OFFICER** Badge # **122** Dept **Y.P.D.**

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY  
 Date of Appearance **5/16/07** day of **May** 2007 at **7:15 AM** PM

VIOLEATOR'S COPY



CITY OF YONKERS **CO-90605**  
 COMPLAINT / INFORMATION  
 THE PEOPLE OF THE STATE OF NEW YORK  
 VS.

Name	Last	First	MI	DOB
<b>SALAZAR CRISTIAN</b>				2-2-89

Street Address			
<b>256 WASHINGTON AVENUE</b>			
City	State	Zip	
<b>NEW ROCHELLE NY</b>		<b>10801</b>	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	08/07/07	Time	4:00	AM
Place of Occurrence	<b>796 YONKERS AVENUE</b>			

In Violation of Chapter:	<b>100</b>	Section:	<b>35</b>
of the CITY CODE of YONKERS.			

Description	<b>DISTRIBUTING NEWSPAPERS WITHOUT A PERMIT</b>
-------------	---

OTHER INFORMATION:

**DESCRIPTION OF OFFENSE**

I have observed at the above time and place the following:

**THE ABOVE DEFENDANT DISTRIBUTING NEWSPAPERS WITHOUT A CITY OF YONKERS PERMIT**

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: **08/07/07** Print Name: **PAUL J. MCFARLAND**

Signature of Complainant: **PAUL J. MCFARLAND**

Title: **PO** Badge # **980** Dept. **Y.P.D.**

YOU MUST APPEAR AT CITY COURT OF YONKERS  
 CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance **13** day of **Sept** 20 **07** at **1** AM **PM**

**VIOLEATOR'S COPY**

**EXHIBIT 4**

CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-15-2007, Supplement No. 11)

PART IX. PUBLIC PROPERTY AND STREETS

Chapter 100. PARKS AND PUBLIC PLACES

ARTICLE V. Excursions and Picnics [Adopted 7-7-1959 as Ch. 14. G.O. No. 29-1959]

§ 100-26. Landing on unlicensed grounds.

**§ 100-26. Landing on unlicensed grounds.**

No steamboat or barge, while making an excursion of pleasure, shall, without a permit from the City Clerk, land any passenger within the city except upon the grounds of a person who shall have received a license from the City Clerk to keep grounds for the purpose of accommodating excursion and picnic parties.

**§ 100-27. Issuance of permit; fee.**

The City Clerk is hereby authorized to grant the permit required by § 100-26 of this article upon receiving payment of a sum of not less than \$35.

**§§ 100-28 through 100-30. (Reserved)**

**ARTICLE VI. Newsstands and Concessions [Adopted 6-22-1920 as G.O. No. 3-1920]**

**§ 100-31. Stands or booths approved.**

Permission is hereby given for the placing of temporary stands or booths, to be approved as to size and design by the Commissioner of Public Works, for the sale of newspapers, periodicals and refreshments (spirituous and malt liquors excepted) within the parks and other public places of the City of Yonkers at such locations as may be designated by the Commissioner of Public Works.

**§ 100-32. Permit required; fee. EN**

The City Clerk is hereby authorized to issue to the highest bidders permits for the placing of such stands for the sale of newspapers, periodicals and refreshments within the area specified in this article. Not more than one stand or booth shall be erected, used or maintained under each separate permit. Such permits shall not be transferable.

**§ 100-33. Littering and cleanliness.**

No person shall throw, cast or lay or direct, suffer or permit any servant, agent, employee or person in his or her charge to throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth or rubbish of any kind whatsoever in any park or public place.

**§ 100-34. Selling restricted.**

No person shall exhibit, sell or offer for sale anything whatsoever or perform any personal service for hire in any park or public place except under a permit from the City Clerk, or otherwise than in accordance with the terms of such permit; provided, however, that the provisions of this section shall not apply to public hack stands.

**§ 100-35. Advertising and bill distribution.**

## CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-16-2007, Supplement No. 11)

## PART IX. PUBLIC PROPERTY AND STREETS

## Chapter 100. PARKS AND PUBLIC PLACES

## ARTICLE VI. Newsstands and Concessions (Adopted 5-22-1920 as G.O. No. 3-1920)

## § 100-35. Advertising and bill distribution.

No person shall post any bill, placard, notice or other paper upon any structure, tree, rock, article or thing within any park or public place or paint or fix thereon in any way any advertisement, notice or exhortation, except under permit and in strict conformity therewith. No person shall distribute, hand out or cast about any card, circular, pamphlet or printed matter within any park or upon any public place.

**§ 100-36. Collection of fee.**

The City Clerk shall, upon the issuing of each permit, collect the sum bid for such permit.

**§ 100-37. Revocation of permit. ~~EN~~**

All permits issued pursuant to this article shall be revocable for good cause shown after notice to the permittee and an opportunity for the permittee to be heard. Permits issued by the City Clerk may be revoked by the City Clerk. Permits issued by the Commissioner of Public Works may be revoked by the Commissioner of Public Works.

**§ 100-38. Form of permit. ~~EN~~**

The form of permit shall be as follows:

Permission is Hereby Given to

(Name)(No. and Street)

\_\_\_\_\_ residing at \_\_\_\_\_, Yonkers, New York, to maintain a stand or booth for the sale of newspapers, periodicals and refreshments (spirituous and malt liquor excepted) in or upon (Name of Park or Place) at such location therein or thereon as shall be designated by the Commissioner of Public Works of the City of Yonkers.

The holder of this permit to pay to the City Clerk of Yonkers the sum of \_\_\_\_\_ dollars, payable in advance.



CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-15-2007, Supplement No. 11)

## PART IX. PUBLIC PROPERTY AND STREETS

## Chapter 100. PARKS AND PUBLIC PLACES

**ARTICLE VI. Newsstands and Concessions [Adopted 5-22-1920 as G.O. No. 3-1920]**

§ 100-38. Form of permit.

This permit is issued for but one stand or booth, is not transferable and is subject to all the ordinances of the City of Yonkers and the rules, orders and regulations of the Department of Public Works and the Police Department and the several bureaus thereof and is revocable at the pleasure of the Mayor, it being understood that upon any revocation a proportionate part of the aforesaid permit fee shall be repaid to the licensee.

Dated, Yonkers, New York.

**CITY OF YONKERS**

(Signed)

Bv

By \_\_\_\_\_

ss 100-39 through 100-41. (Reserved)

**ARTICLE VII, Fishing in Grassy Sprain Reservoir [Adopted 3-11-1952 as G.O. No. 12-1952]**

**§ 100-42. Permit required; fee. [Amended 12-9-1952 by G.O. No. 32-1952]**

The Commissioner of Public Works is hereby authorized and directed, upon payment of a fee of \$1 to the Comptroller, to issue a permit to any resident of the City of Yonkers making application therefor to fish in the Grassy Sprain Reservoir. Such permit may be issued to persons who have attained the age of 70 or are blind without payment of said fee. All permits shall be subject to the conditions and regulations set forth in 100-24 of this article and to the applicable provisions of any general, special or local law, this Code and any ordinance or regulation relating to the maintenance of said reservoir or to the taking of fish therefrom.

### § 100-43. Conditions and regulations.

